

Introduction

There are passionate whores and polished whores, painted whores and illustrious whores, whores of reputation and those who have been condemned. . . . There are some who work at night, others who work by day. . . . There are eastern whores, western whores, northern whores, whores who wear disguises, drunk whores, reserved whores, whores that range in age from very young to very old. There are rising whores and falling whores, whores with hymens and whores without, Sunday whores, and whores who wait until Saturday to wash. . . . There are perfect whores, secret and public whores, devout whores, hypocritical whores, whores young and old, whores whose pockets jingle when they walk. There are pandering whores and modern whores, mature whores and celestial whores, and those who try to live a good life in shut up houses, as well as honest women who try the trade according to their need.¹

In a picaresque tale set in early-sixteenth-century Rome, a scene opens with La Lozana Andaluza (her name, loosely translated, means “the lusty Andalusian woman”) relaxing in bed with a client. As a single woman and émigrée from Spain, La Lozana wants to learn from her satiated lover about the “life that concubines lead in this province.” After hearing his response, the litany quoted above, La Lozana expresses fatigue with this list of the seemingly countless *putas* “whores”) on the Roman streets, “as thick as bees in a beehive.”² This 1528 account describes the early-modern world (specifically, regions under Spanish influence) as an era when whores proliferated, offering their clients almost endless options in terms of age, looks, experience, methods, and attitudes. Seduced by this fictional pillow talk, this book tells the history of women labeled public women, whores, and prostitutes in New Spain’s archival records, embracing the complexity of “all the characters who populate the prostitute imaginary,” as well as the ambiguities and limitations of documenting the history of sexuality via written sources.³

This book takes for granted that Spanish and Spanish American literary and legal understandings of gender and sexuality have vital importance in the context of the rise of global imperialism. Spain’s New World viceroyalties, especially the geographic region that is now Mexico (a section of the Viceroyalty of New Spain),

dominated in terms of population and wealth across four centuries of American history. The Spanish viceroalties and the nations that emerged from their legacy in the nineteenth century have been envisioned for too long as marginalized, “borderland,” violent, bloody, dystopic, tragic, and, in a word, failed. Jorge Cañizares Esguerra and James E. Sanders eloquently argue for decentering this patriotic tale and remembering the Spanish Empire as the prevailing and foremost power in the Atlantic World from the sixteenth to the nineteenth centuries.⁴ The Spanish American historic trajectory is normative, not a curious marginal note about a “minority” population. By tracing the textual history of transactional sex in New Spain, this book builds a bridge between medieval sexuality and the twenty-first-century surveillance and bureaucratization of private lives, from the perspective that sexuality is “at the center of the colonial archive, rather than at its margins.”⁵

To return to La Lozana Andaluza, this woman represents more than an item available in the bountiful street catalogue described in the opening quote. On the contrary, her fictional personality brings up the question of sexual agency for women in the past. The tale of her life revolves around her shaping her own destiny by traveling from Spain to Italy. “What I want,” she declares, “is for [men] to need me, not for me to need them. I want to live by my own labor. . . . I only want to live by my profession.” To that end, La Lozana puts a green branch behind her ear to indicate that she is a *ramera* (“whore,” from the Spanish word *ramo* or “branch”) and displays herself at a lattice window, but she shows only her hands. She manages to make a living off her lovers, in the form of fine meals, gifts, and cash. She also helps other couples come together in the classic medieval occupation of bawdry (*alcahuetería*), prospering financially even though, with a shocking lack of conventional femininity, she claims that she has forgotten how to spin.⁶ Male characters observe that “[La] Lozana wants something better” than any other woman in Rome, “to be independent.” She succeeds in these ambitions because she knows “how to use her wiles” and is “always spoken to with respect.” The women she meets on her journeys describe her as beautiful, “bold and loquacious.” Knowing her own needs and maintaining her standards, she “insists on getting her share” and “nothing but the best for her.”⁷

Inspired by these quotes, this book could celebrate the personal agency of La Lozana and her Mexican peers, seducing readers with their tenacious survival skills and courageous resistance to oppressive viceregal gender hierarchies. But Ann Laura Stoler warns historians against “charmed accounts” that “seduce and comfort.” She instead suggests a “rough and charmless colonial history track . . . [that] might dispense with heroes—subaltern or otherwise.” She proposes good and evil as “*historical* rather than *transcendent* categories.”⁸ Along these same lines, Walter Johnson cautions scholars to avoid a simplistic, self-congratulatory tone derived from unfounded pride in their own understanding of historic individuals as conscious actors in their own lives.⁹ The process of writing archives itself complicates

agency. My use of the term *scribal* underscores the notaries—*escribanos*—who physically created all of the cases, with their act of writing testimonies. We do not actually know whose “voice” emerges from these written texts, who is the “I,” other than the penman himself, a kind of shadowy ventriloquist, “someone who could give other people an official voice.” Spanish aphorisms linked *escribanos* to *putas*, in that both occupations worked off of verbal cons.¹⁰ Hearing and sharing these projected voices, making “ink on parchment *speak*,” may represent nothing more than a social historian’s fantasy.¹¹

The various written words used in this book inscribe labels of immorality, difference, and disease on women’s bodies. It is open to question if these differences are “biological or universal,” but they do require “cultural marking” within a specific historical and social context. In her work on inscribing and reading inscriptions on bodies, Elizabeth Grosz argues that the “real material body” does not exist but that “representations and cultural inscriptions quite literally constitute bodies.” The body and writing intersect, creating objects that read as various past and present “systems of social coercion, legal inscription, and sexual and economic exchange.”¹² Textualizing the body involves several people who contributed to the writing of every paper file: the women under discussion, other deponents, the scribe and court officials present, and, of course, the historian herself. However, what remains for the historian to read and re-narrate is the paper where these individuals inscribed their own and others’ bodies, not the inscribed body itself.

But archives may not represent as clear an assertion of state power and ways of knowing as some theorists once thought. They instead contain “mad fragmentations . . . that just ended up there” and piecemeal “records of uncertainty and doubt,” as anxious officials tried to catch their paper trails up with colonial situations that had exceeded their comprehension and control.¹³ Even as they appear efficient and organized due to their repetitiveness or controlled structure, criminal archives record disorder because “out of the darkness [the archive] snatches breathless, disjointed beings, summoned to explain themselves before the court . . . mixing lies and the truth, hatred and cunning.”¹⁴ Zeb Tortorici notes that scholars write the history of sexuality based on the most illegible tracings, which historians seduce into our own “affective engagements” to produce our historiographical narratives. Scribes wrote testimonies according to their own “submerged” but “specific scripts” that preserved illegibilities in the archives of transactional sex.¹⁵ But similar to when we first fall in love, we seek in archival documents a scribal mirror of ourselves, which gives us pleasure by reflecting back our desires, our dreams, and our “sense of self,” but we actually are reading vestiges not intended for us, “fragmented written traces of *something else*.”¹⁶

Spain’s and Mexico’s archives inscribe certain early modern women as “whores [*putas, rameras*]” or “public women [*mujeres públicas*],” much later writing them as “prostitutes,” as well as male and female panderers (*rufianes* and *alcahuetas*).

These references exist in files that are not consistent over time and, in terms of details provided, vary in both quality and quantity. Sources for the sixteenth and seventeenth centuries include prescriptive royal decrees, law codes, and short court cases. Much of the history of Mexican commercial sex was “unwritten” in this era, either due to its commonness, “because it could not yet be articulated,” because “it could not be said,” or because a choice was made to ignore it or remain inattentive to it.¹⁷ In the eighteenth century, some of the cases grew longer and more detailed, allowing for more complicated characters to emerge from the accounts that women gave of their lives. The late viceregal state also created shorter and much more plentiful records with a modern statistical bent.¹⁸ The archive consists of a growing quantity of documentation over the centuries. The changing terminology for prosecuted women, voiced by kings, jurists, magistrates, inquisitors, and bishops, as well as disgruntled husbands and neighbors, foreshadowed the increasing regulation, criminalization, and polarizing politics of modern global transactional sex.¹⁹

Language within the documents outlines a story of how the judicial identity of women changed over time. In the sixteenth century, prosecuted women in the Americas began to testify in court by asserting their good reputations because their accusers framed them as sinful, not criminal. In 1623, King Phillip IV mandated the closure of legal brothels in his empire, reinforcing a broad European trend toward enclosing women perceived as lacking effective male guardians who could monitor and confine their sexuality. Despite the growing criminalization of selling sex, women continued to respond to accusations with denials and assertions of dignity. The more extensive case records of the eighteenth century prove the ineffectiveness of the previous century’s royal pronouncements, as well as the increasing efforts to police plebeian sexuality. By the nineteenth century, magistrates focused on young women whom they now called “prostitutes [*prostitutas*],” and viewed them as childlike victims of rapacious procuresses and panderers, innocents who needed rescuing, often from their own parents and siblings. Officials allowed themselves these sentimental leanings—the archival record contains certain prescribed feelings and represents more than just a pose of rationality and control.²⁰ It was not until the closing years of the viceregal era that some women finally referred to themselves as prostitutes in an effort to fit into this victim-versus-criminal dichotomy. The nineteenth century also saw the definitive return of regulated brothels and government-controlled prostitution in Europe, its colonies, and the Americas.

Literary portraits of whores and bawds such as *La Lozana Andaluza*, *The Book of Good Love*, *Santa*, and the *Tragicomedy of Calisto and Melibea* add more imaginary detail to the elusive, ambiguous documentary records.²¹ Written records of all kinds relating to this topic contain familiar fictional plots, including those written on the pages of viceregal court cases. Inside these files, officials and deponents

create stories that fit accepted narratives. To highlight how trial narratives intertwine with fictional imaginings, each chapter in this book introduces its topics via a work of literature in Spanish but follows through on the chapter's themes with analysis of legal codes, government decrees, and records from a variety of juridical settings, including criminal and ecclesiastical courts and the Holy Office of the Spanish Inquisition. Over the course of the book, these introductory passages shift to actual trial discourse, to suggest the blending of fictional and archival texts.²²

Thinking about how artistic creations imagine sex work highlights the built-in dichotomies of literary narrations. Since ancient times, literature and, more recently, films about sex work almost always follow either a libertine or sentimental narrative. In other words, women written as whores end the story prosperous and free or punished (usually by a painful death) for their behavior.²³ Sentimental stories have unwilling heroines forced into selling sex by villains or poverty, while libertine tales focus on success, personal agency, and empowerment. In the Spanish tradition, *La Lozana* falls into the libertine style because the heroine achieves wealth, redemption, and stability, while in contrast the more emotionally charged *Tragicomedia de Calisto y Melibea (La Celestina)* ends in suicide, murder, and tragedy. Both narratives fall into conventional Christian morality in their portrayals of redeemable, penitent whores who live and prosper, brave women who use their agency to remove themselves from a bad situation due to their utter innocence and the duping of an evil man, or immoral unrepentant sinners who die off at the end.²⁴ In all of these scenarios, the overly dramatic, simplified fictional (but also highly erotic) versions of “fallen” women’s lives hide a variety of more complicated on-the-ground understandings of socially appropriate sexual behavior, especially those that operate outside the bonds of monogamous heterosexual matrimony.²⁵

Case files including women litigants and defendants in the Spanish vicerealties sometimes offer more ambiguity than the opposing poles common in literature: female passive victimization versus criminal deviance.²⁶ But deponents also did borrow from literature to tell their autobiographies to fit these “enforced narrations.”²⁷ So how can a historian narrate the archival traces of women labeled “whores,” “public women,” and “prostitutes” in Mexican archives without either glorifying their sexual agency or representing them as nothing more than pitiful victims of gendered injustice?²⁸ Does life itself have narratives, or are they only a result of judicial and archival structures, which we reinforce in our scholarly historiography? Stoler and Kathryn Burns, drawing from the massive literature of the “archival turn,” encourage historians of colonialism to attempt an ethnography of the archive itself, resisting organizing its incoherencies, ambivalences, and ambiguities into familiar stories.²⁹

Sex-worker activism also provides a number of key theoretical structures that help avoid narrative simplicity. First, as an overarching goal, sex-worker activists emphasize inclusivity and intersectionality within the occupation in terms of race,

gender, and sexuality and stress the complexity of the sex-work experience. Following this fundamental dictate, this book encompasses rich and poor women of European, African, and indigenous ancestry.³⁰ Sex workers' writings instruct readers that the sex act is not the essence of the lives of those in the sex industry but obsesses only those moralizers and reformers who seek to control or criminalize selling sex.³¹ Most viceregal court documentation does not refer to explicit sex acts but, instead, reveals very familiar contemporary concerns about honor, family, racial difference, material wealth, violence, and the negotiation of the authorities' involvement in private life.³² Lastly, writings from twentieth- and twenty-first-century sex workers emphasize the performative and practical nature of their occupations, stressing that they work within the social, racial, economic, and cultural realities of today's world. To take a stand as an ally against the mislabeling, criminalizing, stigmatizing, and daily violence against sex workers that continues to the present day, the writings of recent and current sex-industry workers frame my understandings of what is at stake in my own contribution to the history of transactional sex.

THE TEMPTATIONS OF TERMINOLOGY

Throughout this book, I translate Spanish terms into English following bilingual dictionaries dating from the centuries under discussion, tracing the change over time in the judicial and popular use of these terms from the medieval era to the nineteenth century. Sometimes this means using unfamiliar words in English, such as *bawd* (explored in depth in chapter 1) and words that still raise our hackles, such as *whore*. As strange or offensive as these words sound to our ears, they do capture the uses during the eras presented in this book. But defendants inscribed in this way almost always used the judicial process to erase the writing on their bodies. This very purposeful denial obfuscates all evidence of viceregal transactional sex. To seek solid data confirming a definitive vision of women who took part in transactional sex would change my role from that of a curious historian enticed by scribal seductions, to that of a simulacrum of a viceregal bureaucrat who believed that categorization meant control over the uncontrollable, an ideology that "sustain[s] the fantasy of the colonial panopticon."³³

To explain why the word *whore* has such a longstanding negative connotation, we must look back to the origins of Christian sexual moral ideologies and even to the pre-Christian era. Kyle Harper argues that ancient pagan Romans depended on a ubiquitous sex trade to distinguish and protect the boundaries between "good" and "bad" women, labels that derived from marital status and social reputation (public honor). Early Christians took a stand against pagan sexuality and based their own distinct group identity around a much more restricted notion of sexual activity. For Christians in the early centuries, virginity represented the

ultimate exercise in free choice, an ideal behavior available to only the most moral, spiritual humans. Christians transformed sex that happened outside of heterosexual procreation and monogamous marriage into private sin, a sign of an individual's personal choice to succumb to the temptations of the flesh and the devil, together with a lingering taint of public dishonor. Added to these ideas from early Christianity, moralizers point to a lust for luxuries as a critical factor in moral, social, and sexual "falls." The label of "whore" and its equivalents in other European languages denigrated a woman's greed for luxuries and her reputation for nonmonogamy, much as it does today, but did not necessarily refer to a specific occupation subject to legal sanctions.³⁴ Over time, the concept of whore has functioned as an insult to both a woman's public honor and her private sins.

While *whore* was and remains a broad insult to morality, *prostitute* usually designates a somewhat more specific behavior or occupation. Spanish-speakers did not use the term *prostitution* as we currently understand it, the unlawful selling of sex acts or "the in-person physical exchange of sexual services for money or goods," before the eighteenth century.³⁵ By 1800, law codes in Spain and the Americas had not specifically criminalized prostitution, but the term came into general use in court records. Part of the imperial power of the term *prostitution* resides in its vagueness, its availability for application to any suspect woman. Even in the early twentieth century, British imperialists still did not have a clear definition in mind when writing laws against prostitution or arresting women for the crime. Unlike the present, when law enforcement sets up hotel and street "stings" to entrap sex workers, late-nineteenth-century authorities noted that, in terms of catching someone in the act of prostitution, "direct proof is for obvious reasons unattainable."³⁶ Therefore, both the *whore* and *prostitute* labels function very well within the context of obfuscating texts with confusing uses of evidence.

The origins of a broad understanding of the term *prostitute* go back at least as far in history to a sixteenth-century Latin-English dictionary. Sir Thomas Elyot translates *prostituere pudiciriam* in a way similar to the common Spanish phrase *mujer publica* (public woman), without implying any illegal status: "to be a commune harlot . . . to be commune to al men or women in the acte of lechery."³⁷ In the seventeenth and eighteenth centuries, "prostituting" oneself referred to corrupting one's own endeavors (broadly conceived, not just sexually) for monetary gain. My cases do not use the terms *prostituta* or *prostitución* until the eighteenth century, so I do not use this term either, and when I do, only as a direct quote from my sources. Although the early twenty-first century remains caught in the regulatory and criminalizing era that began in the nineteenth century, historians should not project this criminalization back to centuries when it did not exist.³⁸

While much more historically accurate than *prostitute* for the centuries before 1800, the word *whore* still sparks controversy, although I use it throughout this book as a translation of the Spanish words *ramera* and *puta*. Within the sex industry, the

debate continues about whether or not to reclaim it in a parallel gesture to the reappropriation of *queer*.³⁹ *Whore* “may be the original intersectional insult” because calling someone a whore implies an array of personal traits that our society deplors, including: poverty, of a nonwhite race, unmarried, nonmonogamous, victimized by violence, drug-addicted, uneducated, of a lower class, diseased, homeless, emotionally duplicitous, and sexually deviant. Any “stigmatized woman or feminized man” can suffer the label *whore*, as long as it remains a shameful word, tied to the negative traits listed above. “Whore solidarity” in part means working toward a time when women, upon hearing this word said in their vicinity, will not react with fear or shame or quickly correct the speaker for their mislabeling. A defiant reclaiming of *whore* and the complex history of whores presents an opportunity to analyze and reshape the negative, shaming implication of this word, without falling into discursive traps such as using *prostitute* instead.⁴⁰

Obviously, the phrase *sex work* lacks the primeval shaming intention of *whore*. A critical goal of sex-work activism since the 1970s has been to recognize that selling sex is a job, not a criminal fulltime occupation (prostitution) or a permanent immoral status (*whore*). While sometimes a broad term is required while discussing this topic, I avoid using *sex work* extensively while discussing my case studies because it has a modern connotation of labor rights and does not effectively convey the subtler and changing terms in common use when Spain reigned in the Americas. However, in line with its use by activists and allies, it is preferable to say and write “sex work” instead of “prostitution,” when an overarching term is necessary, even for eras before the twentieth century, because *sex work* lacks *prostitution*’s anachronistic implication of social and familial marginalization and illegality. Recent writings by sex workers confirm that the word *prostitution* is used only by “anti-prostitution” groups.⁴¹ Of course, in daily life, sex workers call themselves providers, girls, ladies, entertainers, escorts, or any number of other specific labels pointing to their areas of specialization, but never self-refer as prostitutes. Over the centuries, stigmatization has necessitated creating several identities, while the performative nature of sex work transforms necessity into a creative challenge.

Vaguer, condescending terms for sex work imply moral condemnation and obscure what exactly goes on when sexual acts or other kinds of intimacy are exchanged for gifts, cash, or protection. When one speaks of women “selling themselves” or “selling their bodies” or uses such phrases as “they served with their own bodies,” what do “themselves” or “their bodies” really mean in these comments, if not a woman’s genitals?⁴² Using kitschy, evasive phrases such as “selling one’s charms” does not water down this grotesque implication.⁴³ These terms equate an act of potential contact with a woman’s genitals as a purchase of her whole self, her entire body, even her soul. Those who use these synecdoches are not offering humor, pity, or protectiveness but instead exhibit an extreme form of misogyny that sees women as nothing more than genitalia for men to buy. Their phrasing is

not even accurate. In a paid sexual transaction of any kind, sellers never exchange or trade on “their selves” or their bodies. Sex workers over the course of many eras and on a range of continents may have avoided physical contact between bodies; instead, they may have just talked to, eaten with, performed domestic tasks for, entertained, played music for, danced with, or attended events with their clientele. Whatever bodily contact they allowed formed part of a larger performance that may have involved sex acts or may have focused more on other kinds of intimacy, companionship, and communication. What sex workers sell now and throughout history is a performance that *may* include such elements as the sellers’ disguised or costumed physical appearance, a range of personalities and roles, intimacy, and perhaps sexual release.⁴⁴

I identified the records in this book by searching for terms that I knew were used before 1825, including specific words (and all of their possible derivations) such as *mujer pública*, *casa pública*, *ramera*, *alcahueta*, *puta*, and *prostituta*, but also very vague concepts such as *escandalosa* or even simply *mujer mala*. This book does not deal with other transactional situations such as long-term concubinage but purposefully concentrates on women labeled as engaged in public, commercialized sexual exchange.⁴⁵ The archival inscription of these labels, of course, does not prove that women fit their definitions. Assuming that they did accepts that the authorities applied correct labels to them and reuses “colonial categories” as “analytical vocabulary,” as opposed to “transient, provisional objects of historical inquiry.”⁴⁶ Due to their evasiveness and the ambiguity in the paperwork of the time, we cannot assume penetrative sex took place unless witnesses in the documents specifically state it, and even in that case they might have lied in their sworn statements. If eyewitnesses admitted to seeing or participating in a sex act, the scribes recorded it in generalized, euphemistic terms. Creating either a libertine or sentimental narrative from these fragments hides the incoherencies of the files themselves.

THE HISTORIOGRAPHY OF TRANSACTIONAL SEX IN NEW SPAIN: HIDDEN IN PLAIN SIGHT?

In his study of the early Christian debate over sex for sale, Harper argues that “prostitution is important, even central, to the history of sex.” This generalization applies well to the Spanish-speaking world, as Eukene Lacarra Lanz observes that “prostitution” was not “marginal in Iberian society, considering the cultural, economic, political, and social import it reached in medieval and early modern Spain.”⁴⁷ Historians of Spain prove Lanz’s point in their prolific scholarly investigations into the history of brothels, bawdry, courtesans, and streetwalkers from the sixteenth to the nineteenth centuries and beyond.

In contrast, historians of the viceroyalties have not taken intensive interest in this topic but have given it only sidelong glances. It could even be argued that they

have contributed to its erasure by either ignoring it or exaggerating its suppression. Many popular and highly regarded monographs explore government regulation and attitudes toward sex work in late-nineteenth- and early-twentieth-century Spanish America. But for the viceregal era (1492–1824), when historians discuss what they usually call “prostitution,” they often emphasize misogynistic rhetoric against women and repressive control, despite the widely acknowledged evidence of Iberian and American women’s effective use of their economic and legal rights in all other settings.⁴⁸ The loud, commanding voices of prescriptive sources drown out the evasive language and denying stance of female defendants. Our valid appreciation of the struggles of Spain’s female colonial subjects against the repressive patriarchy of their era has resulted in avoiding the morally complex and controversial story of their voluntary participation in selling sex for money or gifts or brokering relationships for less prosperous, younger women.⁴⁹ The only full-length monograph in Spanish or English is by Ana María Atondo Rodríguez, entitled *El Amor Venal y la Condición Femenina en el México Colonial*, published in 1992. This topic remains “peripheral to the colonial stories [historians] have chosen to tell” and is one of the “histories suspended from received historiographies.”⁵⁰

However, many histories document an explicit, core assumption of sex as a form of exchange in this culture.⁵¹ In the act of sacramental marriage, young women in the viceroyalties converted their sexual capital into economic and social capital, generally within the context of their parents’ or guardians’ machinations. If they eloped with their own choice of husband, they risked losing all or part of their inheritance.⁵² Among the elite, women who were ensconced within a family support network brought dowries with them into marriage and received *arras*, or a significant gift of money from their grooms, to further bolster their financial stability. Lucky orphan girls who lacked the financial padding of a natal family received charitable donations to fund their dowries, making them more attractive potential wives.⁵³ Unmarried Spanish American women could more directly convert sexual or erotic capital into currency by suing their lovers for defloration.⁵⁴ Winning a defloration or breach-of-promise case rewarded women with money that they could use for child support or a dowry to marry another man. Often these women enjoyed family support and advocacy as they litigated their defloration compensation suits. And far along this spectrum, women labeled as “public,” or courtesans, whores, and prostitutes, most of whom worked in the company of their mothers, sisters, or husbands, commodified their sex acts by insisting on direct compensation (cash or gifts) before proceeding with an intimate relationship. These women did not require or demand a religious benediction before they had sex, although they generally did work within a conventional domestic setting, not unlike respectably married daughters.⁵⁵

Day-to-day sexual norms in the New World did not conform to the gender ideals mandated by the Council of Trent (1545–1563).⁵⁶ As a result, this book focuses

on the textual tensions and evasions of political leaders, clerics, and moralizers who censured sexually entrepreneurial women while simultaneously tolerating them and only sporadically persecuting them. To introduce these cultural and juridical contradictions, chapter 1 details early-modern legal, literary, and popular understandings of the commonly used terms *ramera* and *alcahueta*, using fictional examples as well as court cases set in sixteenth-century Mexico City. Spanish law codes shaped the American experience of transactional sex to a degree, but lacking a documentary record, it is difficult to know if the important Spanish institution of the legal brothel became popular in the New World. Instead, the scant surviving texts testify to exchanges of money and gifts for sex and intimacy that took place within family homes. Chapter 1 explores several other distinctly New World interpretations of transactional sex, such as how, from the first decades of Spanish rule in Mexico, women of African and indigenous descent shaped Spanish American understandings of how to negotiate and carry out illicit relationships, especially in the familiar, popular, and sometimes lucrative occupation of bawdry.⁵⁷

Chapter 2 examines the crown's motivations for closing regulated brothels and investigates the negotiation of increasingly illegal sexual transactions in the seventeenth century. American tribunals of the Holy Office of the Spanish Inquisition targeted the erotic magic that often accompanied selling sex in this era. Bawds and sorceresses (including women of African and indigenous descent) merged as a conjoined threat. Although brothel manageresses still enjoyed an elite clientele, simultaneously they faced suppression due to royal mandates to close their houses. Despite the patronage of viceregal officials, these women endured increasing stigmatization after this first step in criminalization. Even with their growing illegality and vilification, in seventeenth-century cities women offered a multilayered range of sex for sale, racially and socially diverse, in a variety of settings. However, archival evidence remains sparse until the eighteenth century, when, under the reforms of the Bourbon dynasty, documented prosecutions picked up significantly as more modern mechanisms for urban policing developed.⁵⁸

The first two chapters provide the early-modern historical and juridical background required to understand the new categorization of women as "prostitutes" in the 1700s, the topic of chapters 3, 4, and 5. In the eighteenth century, a substantial paper trail records how streetwalkers, middle-class mistresses, and elite courtesans endured more frequent judicial encounters than in previous centuries.⁵⁹ But in a typically viceregal paradox, increasing surveillance tended toward a benign paternalism for certain kinds of women, especially kept women (chapter 3) and elite courtesans (chapter 4). These chapters narrate the lives of several women who lived in comfort and respectability with their families, or were supported by their lovers, but who withstood neighborly gossip or official campaigns against them due to their suspicious wealth and noisy social lives.

Chapter 4 examines the pinnacles of the Spanish American demimonde, where transactional sex and professional theater and dance intersected.⁶⁰ These women wrote themselves into the archives due to their self-promotion and their own materialism, libertinism, and social ambition. Starting in the seventeenth century, these courtesans drew attention to themselves as they flaunted sumptuary laws in their triumphantly opulent clothes, housing, and lifestyle, underwritten by rich and courtly lovers. Courtesans could call on powerful men to sprint to their aid at a moment's notice, but despite their personal power, their benefactors cherished them as delicate creatures needing their protection. These legendary symbols of viceregal decadence continue to fascinate us to the present through their portrayals in popular culture.

At the other end of the spectrum, chapter 5 turns to poor women recorded into the nightly logs because late-colonial reformers made a concerted effort to clear the streets of drunks, street solicitors, and vagrants. The police dockets for the 1790s preserve traces of the interactions between patrolmen and women working on the street.⁶¹ This extensive documentation allows for statistical analysis of women arrested for solicitation or public lewd acts. The authorities reacted by attempting to force these women back into their family homes or jobs as servants, the very situations that compelled them to sell sex in the first place. Although hundreds of women appear in the police notations, still their actual crimes often remain very vague.

Chapter 6, set in the early nineteenth century, remains in this plebeian milieu but concentrates on two women's complex efforts to self-fashion themselves as respectable ladies. In the context of an increasingly "modern" idea of regulating prostitutes and brothels, these two women consistently denied accusations made by nosy neighbors as well as ineffective street policing by the weakening imperial state. With trial-based performances, they rejected efforts made by men, their families, and even law enforcement to confine them inside of more traditional partnered arrangements. The woman known as La Sargenta ("Sergeant Lady" or "the Sergeant's Woman") assumed the character of a quiet servant, even while her accusers portrayed her as a drunken streetwalker. Around the same time, a brothel manager and clothes dealer also carried out an elaborate manipulation of multiple identities in her trial.

Perhaps because eighteenth-century courtesans often worked as dancers or actresses, their statements take on a dramatic tone, an exaggeration of the normal role-playing common to all juridical case files. Even beyond the idea of the accused women's consciously and simultaneously performing their sexuality and respectability, the connection between theater and public sexuality helps explain a new judicial attitude and rhetoric that emerges in the final decades of the Spanish American vicerealties. Chapter 7 explores late-viceregal cases involving mothers accused of trying to convince men to pay for nonmarital sex with their daughters,

as well as brothels organized inside of family homes, managed by young women's parents or sisters. The official language and attitudes in these files echoes early-eighteenth-century popular "she-tragedies," in which the heroine's sexual desirability led to her own "fatal suffering." Through no moral fault of her own, the leading character suffers "a sexual crime in which she participates unwittingly or even unwillingly," creating an idea of women as passive objects of desire. These performances of violation link sexual voyeurism to pain and violence.⁶² The cases discussed in chapter 7 follow this theatrical plotline. When judicial officials dwelled on extensive verbiage describing the physical and emotional torment of women they viewed as victimized by late-eighteenth- and early-nineteenth-century panderers (including their older sisters and parents), they reified misogyny and paternalism through their understanding of women as weak and sexually passive. In contrast to chapter 5, here they "rescued" these young women from their own families, only to place them in what they viewed as appropriate marriages.⁶³

The conclusion of this book looks ahead to international efforts to regulate brothels and prostitution in the mid- to late nineteenth century. After 1800, these regulations transformed prostitutes from "victim[s] to villainess[es]," and from "sentimental" objects of pity to vectors of "contagion."⁶⁴ We continue to struggle with these dichotomies on a global scale. Increasing state intervention and popular stigmatization typify the ongoing political nature of sexuality in the twenty-first century.⁶⁵

Despite their denials and efforts to evade textual traces, over the centuries of viceregal history, women sold sex on the street, or independently solicited men on the street or in taverns to take back to their humble accommodations, or worked in taverns for a male or female panderer. Some women lived discreetly as servants or mistresses in long-term compensated sexual relationships. In New Spain, patrolmen on the city streets, the local justices, and even the Catholic Church chose to leave most of these exchanges and relationships alone, probably because they were enmeshed in commercial sex themselves, saw its value, or agreed with the general population that tolerated it. Usually they followed a policy of avoiding unnecessary disruption of the status quo and "ignor[ed] all but the most scandalous and public of sexual activities," such as when a woman's "behavior caused problems in the wider community," "drew attention" to law breaking, or caused public disorder.⁶⁶ The authorities preferred to let all concerned go about their business as usual, without leaving much of a paper trail. Any intervention that took place probably served its purpose in convincing those involved to moderate their public activities, at least temporarily.

Although La Lozana's lover saw whores everywhere, the women under investigation in this book, seeking to keep their sex lives private to the degree possible, evasively prevented the creation of written documentation of their status as "public women." Today, our laws allow for the prosecution of women for a verifiable

(even recorded) act of offering or exchanging money for sex, but in the past, church and state targeted women more broadly for their immoral reputations, using labels such as *whore* to juridically besmirch their status as good women. It follows that viceregal judicial conventions demanded that those subject to these labels always pleaded innocent. A woman would never openly admit her moral stigma in court, even though she might say that she made a few unfortunate mistakes due to her “fragility,” or that men or procuresses had victimized her.⁶⁷ Not wishing to inscribe her alleged disrespectability, the defendant always made an effort to find witnesses to back up the fact that she had a good reputation.⁶⁸ During this process, women performed a gendered manipulation of emotions, honor, public reputation, morality, and victimization in their testimonies. This “performance . . . mitigate[d] the whore stigma, offering some prostitutes ways to distance themselves from traditional [oppression].”⁶⁹ But when the idea of a victimized prostitute began to take hold, prosecuted women had an identity that they could sustain while still holding onto respectability and even desirability as an honorable wife.

The women in this book prove that, whenever and wherever the words *whore* and *prostitute* are considered insults, women have to constantly defend their reputation and verbally dissimulate to avoid the dangers and shame of negative categorizations or to fit into a dehumanized, pity-provoking role. Meanwhile, the very existence of women labeled “whores” or “prostitutes” allows other “good” women to enjoy the social benefits of sexual respectability.⁷⁰ There remain so many reasons for these scribal seductions.